

(b) Definitions

For purposes of this section—

(1) Fishing rights-related activity

The term “fishing rights-related activity” means, with respect to an Indian tribe, any activity directly related to harvesting, processing, or transporting fish harvested in the exercise of a recognized fishing right of such tribe or to selling such fish but only if substantially all of such harvesting was performed by members of such tribe.

(2) Recognized fishing rights

The term “recognized fishing rights” means, with respect to an Indian tribe, fishing rights secured as of March 17, 1988, by a treaty between such tribe and the United States or by an Executive order or an Act of Congress.

(3) Qualified Indian entity**(A) In general**

The term “qualified Indian entity” means, with respect to an Indian tribe, any entity if—

- (i) such entity is engaged in a fishing rights-related activity of such tribe,
- (ii) all of the equity interests in the entity are owned by qualified Indian tribes, members of such tribes, or their spouses,
- (iii) except as provided in regulations, in the case of an entity which engages to any extent in any substantial processing or transporting of fish, 90 percent or more of the annual gross receipts of the entity is derived from fishing rights-related activities of one or more qualified Indian tribes each of which owns at least 10 percent of the equity interests in the entity, and
- (iv) substantially all of the management functions of the entity are performed by members of qualified Indian tribes.

For purposes of clause (iii), equity interests owned by a member (or the spouse of a member) of a qualified Indian tribe shall be treated as owned by the tribe.

(B) Qualified Indian tribe

For purposes of subparagraph (A), an Indian tribe is a qualified Indian tribe with respect to an entity if such entity is engaged in a fishing rights-related activity of such tribe.

(c) Special rules**(1) Distributions from qualified Indian entity**

For purposes of this section, any distribution with respect to an equity interest in a qualified Indian entity of an Indian tribe to a member of such tribe shall be treated as derived by such member from a fishing rights-related activity of such tribe to the extent such distribution is attributable to income derived by such entity from a fishing rights-related activity of such tribe.

(2) De minimis unrelated amounts may be excluded

If, but for this paragraph, all but a de minimis amount—

- (A) derived by a qualified Indian tribal entity, or by an individual through such an entity,

is entitled to the benefits of paragraph (1) of subsection (a), or

(B) paid to an individual for services is entitled to the benefits of paragraph (2) of subsection (a),

then the entire amount shall be entitled to the benefits of such paragraph.

(Added Pub. L. 100-647, title III, §3041(a), Nov. 10, 1988, 102 Stat. 3640.)

EFFECTIVE DATE

Section 3044 of subtitle E (§§3041-3044) of title III of Pub. L. 100-647 provided that:

“(a) **EFFECTIVE DATE.**—The amendments made by this subtitle [enacting this section and amending sections 1402 and 3121 of this title, section 71 of Title 25, Indians, and sections 409 and 411 of Title 42, The Public Health and Welfare] shall apply to all periods beginning before, on, or after the date of the enactment of this Act [Nov. 10, 1988].

“(b) **NO INFERENCE CREATED.**—Nothing in the amendments made by this subtitle shall create any inference as to the existence or non-existence or scope of any exemption from tax for income derived from fishing rights secured as of March 17, 1988, by any treaty, law, or Executive Order.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1402, 3121 of this title; title 25 section 71; title 42 sections 409, 411.

Subtitle G—The Joint Committee on Taxation

| Chapter | | Sec. ¹ |
|---------|----------------------------------------------------------|-------------------|
| 91. | Organization and membership of the Joint Committee | 8001 |
| 92. | Powers and duties of the Joint Committee | 8021 |

AMENDMENTS

1976—Pub. L. 94-455, title XIX, §1907(b)(1), Oct. 4, 1976, 90 Stat. 1836, struck out “Internal Revenue” in heading of subtitle G.

CHAPTER 91—ORGANIZATION AND MEMBERSHIP OF THE JOINT COMMITTEE

| Sec. | |
|-------|-----------------------------------------|
| 8001. | Authorization. |
| 8002. | Membership. |
| 8003. | Election of chairman and vice chairman. |
| 8004. | Appointment and compensation of staff. |
| 8005. | Payment of expenses. |

§ 8001. Authorization

There shall be a joint congressional committee known as the Joint Committee on Taxation (hereinafter in this subtitle referred to as the “Joint Committee”).

(Aug. 16, 1954, ch. 736, 68A Stat. 925; Oct. 4, 1976, Pub. L. 94-455, title XIX, §1907(a)(1), 90 Stat. 1835.)

AMENDMENTS

1976—Pub. L. 94-455 struck out “Internal Revenue” after “Committee on”.

EFFECTIVE DATE OF 1976 AMENDMENT

Section 1907(c) of Pub. L. 94-455 provided that: “The amendments made by this section [amending this sec-

¹ Section numbers editorially supplied.